

Message Text

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ACTION L-03

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R 131018Z SEP 74

FM AMEMBASSY CAIRO

TO SECSTATE WASHDC 8933

UNCLAS CAIRO 7109

E.O. 11652: NA

TAGS: CPRS, EG

SUBJ: CLAIMS AGAINST USG: SS BRIDGEHAMPTON

REF: A) STATE 141606 B) CAIRO 4849

C) CAIRO'S A-111 OF 8/21/74

1. IN LETTER OF AUGUST 28, CHAIMAN OF CANAL SHIPPING AGENCIES COMPANY OF PORT SAID HAS REITERATED CLAIMS AGAINST USG FOR LE.E. 97,302.830 IN CONNECTION WITH SS BRIDEHAMPTON. COMPANY STATES THAT CLAIM DERIVES FROM NOVEMBER 1965 DECISION OF PORT SAID CUSTOMS AUTHORITIES WHICH LEVIED A FINE OF LE 61,753.000 ON SS BRIDGEHAMPTON AND CHARGED LE 35,549.000 IN CUSTOMS DUTIES ON SS BRIDEHAMPTON CARGO. COMPANY FURTHER INFORMS US THAT PORT SAID CUSTOMS AUTHORITIES SEIZED PROPERTY OF DAMANHOUR SHIPPING AGENCY (A SUBSIDIARY OF CANAL SHIPPING AGENCIES COMPANY) VALUED AT LE. 97,302.830 FOR FAILURE TO PAY FINE AND CUSTOMS DUTIES. DAMANHOUR SHIPPING AGENCY HAD PURPORTEDLY GUARANTEED PAYMENT OF CUSTOMS FINES AND DUES ON BASIS OF LETTER ISSUED BY U.S. VICE CONSUL RAU IN PORT SAID. TO BEST OF OUR KNOWLEDGE, RAU LETTER IS SOLE DOCUMENT ON WHICH CANAL SHIPPING AGENCIES COMPANY BASE CLAIM AGAINST USG. PRIMARILY AT ISSUE IS CONFLICTING EMBASSY/COMPANY INTERPRETATIONS OF THAT LETTER.

2. THIS CLAIM WILL BE OF PARTICULAR INTEREST TO U.S. ATTORNEY RICHTER IN REACHING DECISION AS TO WHETHER USG SHOULD TAKE ACCEPTANCE OF CLAIMS TO MONEY HELD IN EGYPT (REF A). USG ACCEPTANCE OF ASSIGNMENT WOULD PRESUMABLY INCLUDE ACCEPTANCE
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OF LIABILITY FOR COUNTER CLAIMS SUCH AS THAT BROUGHT BY CANAL

SHIPPING AGENCIES COMPANY. PERTINENT DOCUMENTS BEING POUCHED FOR DEPARTMENT'S AND U.S. ATTORNEY'S REVIEW.

3. WE WOULD APPRECIATE DEPARTMENT'S ADVICE AS TO HOW CANAL SHIPPING AGENCIES COMPANY CLAIM SHOULD BE HANDLED HERE.

BELIEVE WE HAVE FOLLOWING OPTIONS:

A) ASK COMPANY TO CHANNEL CLAIM THROUGH MFA AS WE HAVE DONE WITH DEPARTMENT OF JUSTICE INQUIRE (REF B).

B) REQUEST COMPANY, AS POINT OF INFORMATION, TO PROVIDE DOCUMENTS TO SUBSTANTIATE CLAIM. WE WOULD SPECIFICALLY REQUEST,

1) COPY OF DAMANHOUR SHIPPING AGENCY UNDERTAKING GUARANTEEING PAYMENT OF CUSTOMS FEES; 2) COPY OF PORT SAID CUSTOMS DECISION WHICH LEVIED FINE AND DUTIES, SHOWING AMOUNTS AND JUSTIFICATION; 3) EVIDENCE OF AUTHORIZATION FOR SEIZURE OF DAMANHOUR SHIPPING AGENCY PROPERTY AND EVIDENCE THAT SEIZURE TOOK PLACE. REQUEST WOULD BE MADE WITH PROVISIO THAT THIS IN NO WAY CONSTITUTES USG ACCEPTANCE OF CLAIM. WE ASSUME THAT FURTHER DOCUMENTATION WOULD SUPPORT EMBASSY'S INITIAL FINDING THAT CLAIM IS UNJUSTIFIED (REF C).

C) INFORM COMPANY ONCE AGAIN THAT USG DOES NOT ACCEPT CLAIM AND SUGGEST THAT IT SHOULD BE PURSUED THROUGH THE COURTS.

4. DEPARTMENT'S ASSISTANCE IN PASSING INFORMATION ON CLAIM AGAINST USG TO U.S. ATTORNEY AND IN PROVIDING LEGAL COUNSEL WOULD BE APPRECIATED.

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